

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
AIKEN DIVISION**

Matthew Cabbil,	)	
	)	Civil Action No.: 1:16-cv-01572-JMC
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
The United States of America,	)	
	)	
Defendant.	)	
_____	)	

This matter is before the court for review of the United States Magistrate Judge Paige J. Gossett’s Report and Recommendation (“Report”) (ECF No. 14), filed on June 14, 2016, recommending the court dismiss the Plaintiff’s Complaint (ECF No. 1) without service of process and without requiring Defendant to file a return. The Report sets forth in detail the relevant facts and legal standards on this matter, and the court incorporates the Magistrate Judge’s recommendation herein without recitation.

The Magistrate Judge’s Report is made in accordance with 28 U.S.C. § 636(b)(1) and Local Rule 73.02(B)(2) for the District of South Carolina. The Magistrate Judge’s Report is only a recommendation to this court, and has no presumptive weight—the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objections are made. *Id.* The court may accept, reject, or modify, in whole or in part, the Magistrate Judge’s recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1)

Plaintiff was advised of his right to file an objection to the Report by July 1, 2016. (ECF No. 14.) Plaintiff filed no objections.

In the absence of objections to the Magistrate Judge's Report, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is not clear error on the face of the record in order to accept the recommendations.'" *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (*quoting* Fed. R. Civ. P. 72 advisory committee's note). Furthermore, failure to file specific written objections to the Report results in a party's waiver of the right to appeal from the judgement of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985).

After a thorough review of the Report and the record in this case, the court finds the Report provides an accurate summary of the facts and law. The court **ADOPTS** the Magistrate Judge's Report and Recommendation. (ECF No. 14.) It is therefore **ORDERED** that Plaintiff's action, (ECF No. 1), be **DISMISSED** without issuance and service of process, and without requiring Defendant to file a return.

**IT IS SO ORDERED.**

A handwritten signature in black ink, reading "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

September 19, 2016  
Columbia, South Carolina